



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

C.#

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

LM71A0824

NIXON & VANDERHYE, P.C.  
1100 NORTH GLEBE ROAD  
8TH FLOOR  
ARLINGTON, VA 22201-4714

FILED

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/087,574	05/29/98	067	THOMPSON JR, F	2765 08/24/00
First Named Applicant	HARRINGTON,	35 USC 154(b) term ext. =	0 Days.	

TITLE OF INVENTION: PROCESS AND APPARATUS FOR CONDUCTING AUCTIONS OVER ELECTRONIC NETWORKS

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3594-2		705-037,000	R17 UTILITY	YES	\$605.00	11/24/00

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.  
PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

- I. Review the SMALL ENTITY status shown above.  
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:
  - A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
  - B. If the status is the same, pay the FEE DUE shown above.
- If the SMALL ENTITY is shown as NO:
  - A. Pay FEE DUE shown above, or
  - B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.
- II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B-Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



## NOTICE OF ALLOWANCE AND ISSUE FEE DUE

NIXON & VANDERHYE, P.C.  
1100 NORTH GLEBE ROAD  
8TH FLOOR  
ARLINGTON, VA 22201-4714

APPLICATION NO. 7,574	FILING DATE / 98	TOTAL CLAIMS	THE EXAMINER AND GROUP ART UNIT	2765	DATE MAILED / 00
HARRINGTON,		35 USC 154(b) term ext. = 0 Days.			
First Named Applicant	PROCESS AND APPARATUS FOR CONDUCTING AUCTIONS OVER ELECTRONIC NETWORKS				
TITLE OF INVENTION					

ATTY'S DOCKET NO. 2	CLASS-SUBCLASS 03	BATCH NO.	HS APPLN. TYPE 11	SMALL ENTITY	FEE DUE 00	DATE DUE / 00

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.  
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

- II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/087,574	05/29/98	HARRINGTON	M 3594-2

NIXON & VANDERHYE, P.C.  
1100 NORTH GLEBE ROAD  
8TH FLOOR  
ARLINGTON, VA 22201-4714

LM71/0824

EXAMINER

THOMPSON JR, F

ART UNIT

PAPER NUMBER

2765

DATE MAILED:

17  
08/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Notice of Allowability

Application No.  
**09/087,574**

Applicant(s)  
**HARRINGTON ET AL.**

Examiner  
**Forest Thompson Jr.**

Group Art Unit  
**2765**



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to Amendment filed on 18 August 2000

☒ The allowed claim(s) is/are 2-11 and 65-121

☒ The drawings filed on Aug 21, 2000 are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_

☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.**

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

### Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 14

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

**ERIC W. STAMBER**  
**PRIMARY EXAMINER**

Art Unit: 2765

**Supplemental**  
**DETAILED ACTION**  
*Allowable Subject Matter*

1. **Claims 2-10 and 65-121 are allowed.**
2. This action is responsive to the amendments filed 24 January 2000 (see Paper #10) and 18 August 2000 (see Paper #15), and the Continued Prosecution Application filed by applicant on 05 May 2000 (see Paper #13).
3. The amendments filed on 24 January 2000 and 18 August 2000 are sufficient to overcome the objections and rejections stated in the first Action mailed 09 September 1999 (see Paper #5).

*Drawings*

4. Formal drawings were received from applicant on 10 March 2000. These formal drawings were sufficient to overcome Draftsperson's objections as provided on Form PTO-948, and objections identified in the First Action (see Paper #5). Examiner withdraws the rejections/objections to the drawings.

Art Unit: 2765

***Statement of Reasons for Allowance***

5. The objections and rejections stated in the First Action (Paper #5) have been overcome by applicant's amendment. The following is an examiner's statement of reasons for allowance:

The instant invention relates to a novel and unobvious system directed to an electronic auctioning process for auctioning fixed income financial instruments, the system and process incorporating a web browser and requiring, among other things, automatically computing at least one interest cost value based at least in part on said inputted data, said automatically computed interest cost value specifying a rate representing borrowing cost associated with said at least one fixed income security, in similar terminology in both of the independent claims. Applicant's amendment makes the invention unique and distinct over prior art.

Applicant submitted prior art related to the Trademark registration file for "PARITY and Design" filed on 3/27/92 by Twenty-first Century Municipals, and other articles related to this. Although documents from Twenty-First Century Municipals (see "Sample Form of MuniBid Notice of Sale" dated 1/24/00 in applicant's IDS) indicate an earlier priority date (at least 8/16/96) (*see pg. 9, applicant's amendment B, last paragraph*) than applicant's invention (5/29/97), applicant presents arguments that the invention did not yet disclose and include components that applicant is claiming (see pg. 10, applicant's amendment B). Users of the PARITY invention disclose in an article on 5/27/98 that a user must use two different programs to perform the steps claimed by applicant. Additionally, applicant argues that (see pg. 10, last paragraph) the fact that PARITY was unable to perform an interest cost calculation is supported

Art Unit: 2765

by trade press releases discussing the difficulty Dalcomp had bringing a common bid calculation-submission platform to the market following its acquisition of the PARITY system in 1998. As applicant argues, David Landes, the founder and president of 21st Century, which had owned PARITY prior to its acquisition by Dalcomp, PARITY spoke regarding the redesign of PARITY to work with BidComp over the Internet, and stated that the redesign would mean “that Goldman, Sachs [& Co.], for example can calculate their bid using BidComp, and then - with a touch of a button - submit it.” (Richtmyer, 2/25/98 listed on applicant’s PTO 1449 [see Paper # 14])

Applicant also argues that comments by Dalcomp executives PARITY promoting the modified PARITY system on the grounds that it would permit underwriters to “use a single platform to calculate and submit their bids and communicate with other members of their syndicates through the Dalcomp messaging system.” Also, as per pg. 11 in the last paragraph and on pg. 12, applicants argue that their invention differentiates over PARITY by requiring the use of a web browser in their claims and specification, because the PARITY system required special PARITY software to access a server over a modem (see Paper #15 in first paragraph), prior to applicant’s filing date. Examiner agrees.

Other prior art identified by examiner included **Ausubel** (U.S. Patent No. 5,905,975), **Lawrence** (U.S. Patent No. 5,915,209), and **Lupien et al.** (U.S. Patent No. 5,845,266). **Ausubel** discloses a computer implemented system and method of executing an auction. **Lawrence** discloses a computer-implemented municipal bond trading system having a capability to conduct a private electronic auction of bid wanteds between a central broker’s broker and multiple

Art Unit: 2765

prospective remote bidders. **Lupien et al.** disclose a crossing network that matches buy and sell orders based upon a satisfaction and quantity profile and includes a number of trader terminals that can be used for entering orders. **Ausubel, Lawrence**, nor **Lupien et al.** disclose the applicant's invention as described above and claimed by applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson whose telephone number is (703) 306-5449. The examiner can normally be reached Monday-Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



ERIC W. STAMBER  
PRIMARY EXAMINER